

NOT FOR PUBLICATION

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

JHONATHAN CABRERA,

Plaintiff,

v.

UNITED STATES CITIZENSHIP AND
IMMIGRATION SERVICES (USCIS), et
al.,

Defendants.

Civil Action No. 25-126 (SDW)

WHEREAS OPINION

February 10, 2025

THIS MATTER having come before this Court upon *pro se* Plaintiff Jhonathan Cabrera’s (“Plaintiff”) Complaint (D.E. 1 (“Compl.”)) and accompanying application to proceed *in forma pauperis* (D.E. 1-3), and this Court having reviewed the Complaint for sufficiency pursuant to Federal Rule of Civil Procedure 8(a) and *Ashcroft v. Iqbal*, 556 U.S. 662 (2009); and

WHEREAS a district court may allow a plaintiff to commence a civil action without paying the filing fee—that is, *in forma pauperis*—so long as the plaintiff submits an affidavit demonstrating he is “unable to pay such fees,” but must dismiss a case that is frivolous, “fails to state a claim upon which relief may be granted,” or “seeks monetary relief against a defendant who is immune from such relief.” 28 U.S.C. §§ 1915(a)(1), (e)(2)(B); *see Shorter v. United States*, 12 F.4th 366, 374 (3d Cir. 2021); and

WHEREAS Plaintiff’s application to proceed *in forma pauperis* sufficiently demonstrates that Plaintiff cannot pay the filing fee because he has no income sources. (D.E. 1-1 at 1–2.) *See* 28 U.S.C. § 1915(a)(1); and

WHEREAS pursuant to Federal Rule of Civil Procedure 8(a), “[a] pleading that states a claim for relief must contain: (1) a short and plain statement of the grounds for the court’s jurisdiction . . . ; (2) a short and plain statement of the claim showing that the pleader is entitled to relief; and (3) a demand for the relief sought.” Fed. R. Civ. P. 8(a). The complaint must apprise the defendant with “fair notice of what the claim is and the grounds upon which it rests,” containing “more than labels and conclusions.” *Bell Atl. Corp. v. Twombly*, 550 U.S. 544, 555 (2007) (quoting *Conley v. Gibson*, 355 U.S. 41, 47 (1957)).; and

WHEREAS *pro se* complaints, although “[held] to less stringent standards than formal pleadings drafted by lawyers,” *Haines v. Kerner*, 404 U.S. 519, 520–21 (1972), must still “state a plausible claim for relief,” *Yoder v. Wells Fargo Bank*, 566 F. App’x 138, 141 (3d Cir. 2014) (quoting *Walker v. Schult*, 717 F.3d 119, 124 (2d Cir. 2013)); and

WHEREAS this Court is satisfied that Plaintiff’s Amended Complaint is not defective on its face; therefore

Plaintiff’s application to proceed *in forma pauperis* is **GRANTED** and Plaintiff’s Complaint shall be deemed filed. Plaintiff shall effect service on defendants pursuant to the Federal Rules of Civil Procedure. An appropriate order follows.

 /s/ Susan D. Wigenton
SUSAN D. WIGENTON, U.S.D.J.

Orig: Clerk
cc: Parties